

**Minutes
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

February 10, 2011

- I. CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Carolyn Richardson, Chair; Mike Cravens; Lynn Roche-Phillips (arrived at 1:36 PM); Marie Copeland; Mike Owens; William Wilson; Eunice Beatty; Patrick Brewer and Derek Paulsen. Carla Blanton and Ed Holmes were absent.

Planning Staff Present – Chris King, Director; Bill Sallee; Barbara Rackers; Tom Martin; Chris Taylor; Cheryl Gallt and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire & Emergency Services; Rochelle Boland, Department of Law and Tim Queary, Urban Forester.

- II. APPROVAL OF MINUTES** – The Chair noted that there were no prior Planning Commission meeting minutes to be considered at this time.

- III. POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal were considered at this time.

- a. PLAN 2010-131P: HILLENMEYER PROPERTY & DWS PROPERTY (A PORTION OF) (AMD) (2/10/11)* - located at 2801 Sandersville Road, 803 Greendale Road and 2551 Leestown Road. (Council District 2) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2010-131P to the March 10, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Wilson, seconded by Mr. Brewer, and carried 8-0 (Roche-Phillips, Blanton and Holmes absent) to postpone DP 2010-131P to the March 10, 2011, Planning Commission meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 3, 2011, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Marie Copeland, Eunice Beatty and Derek Paulsen. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Traci Wade, Barbara Rackers and Denice Bullock, as well as Captain Charles Bowen, and Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Law Department and Bob Carpenter, Division of Building Inspection. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of all of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2011-8F: DENTON FARM, INC. UNIT 4-A, BLK J, LOTS 26-30; BLK L, LOTS 31-35 (AMD) (3/30/11)* - located on Weston Park. (Council District 7) **(Strand Associates)**

* - Denotes date by which Commission must either approve or disapprove plan.

Note: The purpose of this amendment is to create one new lot and add new easements.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote: This property shall be developed in accordance with the approved final development plan.
 8. Correct adjacent property information per the most recent plat.
 9. Correct purpose of amendment note.
 10. Addition of exaction information to the approval of the Division of Planning.
 11. Denote that no building permits will be issued on lots 29, 30, 34, 34A and 35 until an easement minor plat is recorded, or document easement release.
 12. Document that the additional sewer taps have been installed for the new lot to the approval of the Division of Engineering.
 13. Correct plan title.
 14. Recordation of this plan prior to the recording of PLAN 2011-7F: Denton Farm, Inc., Unit 1-G.
 15. Delete note #14 (references lot not part of this plat).
 16. Delete note #15.
2. PLAN 2011-9F: SUNNY SLOPE FARM. UNIT 1-H (4/3/11)* - located at 350 Waveland Museum Lane.
(Council District 9) **(Hall-Harmon)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection areas.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Greenspace Planner's approval of the treatment of greenways and greenspace.
 8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 9. Revise plan title.
 10. Revise street tree notes to meet new Ordinance provisions.
 11. Certification of PLAN 2010-32P prior to certification of this plan.
 12. Denote status of the Conditional Letter of Map Revision (CLOMR) for the floodplain area.
 13. Resolve timing of construction of new collector street and right-of-way dedication.
3. PLAN 2011-10F: LANSLOWNE SUBDIVISION, UNIT 18-D, SEC. 7, LOT 7 (AMD) (4/3/11)* - located at 3461 Redcoach Lane. (Council District 4) **(Foster-Roland, Inc.)**

Note: The purpose of this amendment is to subdivide one lot into five lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection areas.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote: This property shall be developed in accordance with the approved final development plan.
 8. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
 9. Denote pedestrian access easement to the adjacent park.
4. PLAN 2011-11F: ROMAN SOLDIER, UNIT 1-C, LOT 12 (AMD) (4/3/11)* - located at 3812-3814 Sugar Creek Drive.
(Council District 4) **(Foster-Roland, Inc.)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

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3. Building Inspection's approval of landscaping and required street tree information and two 1-hour firewalls between townhouses.
 4. Addressing Office's approval of street names and addresses.
 5. Addition of utilities and easements as required by the utility companies.
 6. Correct land surveyor's certification per Article 5-4(h)(2) of the Land Subdivision Regulations.
 7. Resolve utility easement note and Article 6-5(c) of the Land Subdivision Regulations.
5. DP 2011-4: KIRKLEVINGTON NORTH (AMD) (4/3/11)* - located at 3391 Tates Creek Road.
(Council District 4) **(LS Design Group)**

Note: The purpose of this amendment is to revise the site layout and add a drive-through lane.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Division of Waste Management's approval of refuse collection.
 8. Denote current FEMA map information and floodplain area on plan.
 9. Denote source of contour information.
 10. Denote location of trees to be planted per canopy requirement.
 11. Denote construction entrance location, and revise note #12.
 12. Denote Final Record Plat designation.
 13. Denote building height.
 14. Resolve approval of off-site improvements associated with drive-through, or remove from plan.
 15. Denote reciprocal parking and access.
 16. Denote that a special use permit (from the Division of Engineering) will be required for site work in floodplain areas.
6. DP 2011-7: SHARKEY PROPERTY (TOWNLEY CENTRE), UNIT 11, LOTS 8 & 13 (AMD) (4/3/11)* - located at 125 Towne Center Drive & 1781 Sharkey Way. (Council District 2) **(Barrett Partners)**

Note: The purpose of this amendment is to revise the development on Lot 13 and the parking on Lot 8.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Clarify the tree islands and sidewalks along Towne Center Drive.
 10. Correct 10' pedestrian easement notation on Lot 8.
 11. Correct required parking # in site statistics.
 12. Document compliance with notification requirement (note #9).
7. DP 2011-8: BEAUMONT CENTRE, UNIT 3-B, LOT 6 (4/3/11)* - located at 3100 Wall Street.
(Council District 10) **(Lightowler Johnson)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Correct zoning in site statistics.
11. Correct required parking site statistics (# of rooms).
12. Denote building dimensions.
13. Denote canopy height.
14. Revise note #4 to cite Code of Ordinances requirement.

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15. Denote record plat designation.
16. Denote access entrance dimensions.
17. Denote reciprocal parking and access (with Phase I).
18. Remove extraneous parking width information.
19. Denote construction access location.
20. Correct 50' utility easement and final record plat dimensions.

8. DP 2011-9: BLUEGRASS EXECUTIVE PARK, UNIT 1-B, BLOCK F, LOT 2 (AMD) & LOT 7 (4/3/11)* - located at 2241 Buena Vista Road. (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise the parking area of Lot 2A and add development of Lot 7.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
 6. Urban Forester's approval of tree protection plan.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Delete note #8.
 10. Document ability to comply with the 20% tree canopy requirements.
 11. Identify the easements to be released.
 12. Denote: No building permits shall be issued for Lot 7 until an easement minor plat has been recorded.
 13. Delete note #10.
 14. Resolve the timing of the required street tree installation on Lot 7.
 15. Label as part of the adjacent Professional Office Project, if desired.
9. DP 2011-10: TUSCANY, UNIT 6, LOT 2 (4/3/11)* - located at 2599 Old Rosebud Road. (Council District 6) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Denote building dimensions.
 10. Denote access drive width.
 11. Denote construction access.
 12. Denote canopy height.
 13. Denote parking lot dimensions where not typical.
 14. Provide pedestrian access to public right-of-way.
 15. Correct note #10 to match requirement on Lot 1 development plan.
 16. Denote Board of Adjustment's approval of conditional use permit (C-2010-88).
 17. Denote Board of Adjustment's requirement of 15' wide perimeter landscape buffer.
 18. Denote Board of Adjustment's outdoor pole lighting restriction for the parking areas.
10. DP 2011-11: BEAUMONT FARM, UNIT 1, LOTS 16-19 (AMD) (4/3/11)* - located at 3312 Beacon Street. (Council District 10) **(Midwest Engineering)**

Note: The purpose of this amendment is to revise the duplexes on Lots 16-19.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Certification of consolidation plat (in open space area) prior to plan certification.
8. Addition of name for developer.
9. Addition of proposed and existing easements from record plat.

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10. Addition of existing sanitary sewer easement(s).
11. DP 2010-9: SHARKEY PROPERTY, UNIT 4, SEC. 2 (& RESIDENTIAL SERVICE BUILDING) (AMD#2) (5/02/10)* -
located at 1700 Leestown Road (a portion of) and 148 Louie Place. (Council District 2) **(Barrett Partners)**

Note: The Planning Commission originally approved this plan on March 10, 2010, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Correct plan title.
9. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
10. Certification of easement minor plat prior to the certification of DP 2010-9.
11. Resolve utilization of the detention basin as usable open space (as indicated in site statistics).
12. Resolve the resolution of building conflicts with the existing detention easement.
13. Provided the Board of Adjustment approves a variance to Article 9 of the Zoning Ordinance regarding the required frontage yard (setback from drive aisles).

The applicant is now requesting a continued discussion of this development plan to revise condition #10 to resolve an identified conflict, and allow a sequencing of development and permits while adhering to standard procedures.

The Subdivision Committee Recommended: **Approval**, subject to the previous conditions #1-8, along with the following revised conditions:

9. Denote the Planning Commission's approval of the waiver to Article 6-8(b) of the Land Subdivision Regulations.
10. Certification of easement minor plat or denote encroachment permits prior to the issuance of building permits to denote the resolution of building conflicts with the existing detention easement.
11. Denote the utilization of the detention basin as usable open space (as indicated in site statistics).
12. Denote the Board of Adjustment's approval of a variance to Article 9 of the Zoning Ordinance regarding the required frontage yard (setback from drive aisles).

In conclusion, Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration for discussion purposes.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Mr. Richard Murphy, attorney, requested that DP 2011-4 be removed from the Consent Agenda for further discussion by the Commission.

Ms. Copeland said that at the February 3rd Subdivision Committee meeting, the Committee had noted that DP 2011-8 had a number of "cleanup" conditions listed on its recommendation for approval. At that meeting, the Committee requested that the applicant address those conditions prior to today's meeting, and she asked if the applicant had done so. Mr. Sallee said that the applicant had submitted a revised plan to the staff since last week's Subdivision Committee meeting, addressing a number of items. He said that the staff is comfortable with recommending approval, subject to the original conditions, but could also brief, should the Commission wish to discuss the revised submission.

Note: Ms. Roche-Phillips arrived at this time.

Ms. Copeland asked how many conditions had been addressed with the revised submission. Mr. Martin replied that the applicant had addressed conditions #11 through 20 with their revised submission. Ms. Richardson asked if DP 2011-8 should remain on the Consent Agenda. Ms. Copeland agreed that it should.

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer and carried 9-0 (Roche-Phillips abstained; Blanton and Holmes absent) to approve the remaining items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

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1. **FINAL SUBDIVISION PLANS**

- a. PLAN 2011-7F: DENTON FARM, INC. UNIT 1-G, BLK J, LOTS 31 & 32; BLK L, LOTS 1 & 27-30 (AMD) (3/30/11)* -
located on Weston Park. (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to create two new lots and add new easements.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct adjacent property information per the most recent plat.
9. Correct purpose of amendment note.
10. Addition of exaction information to the approval of the Division of Planning.
11. Denote that no building permits will be issued on lots 29 & 32 until an easement minor plat is recorded, or document release.
12. Document that the additional sewer taps have been installed for the new lots to the approval of the Division of Engineering.
13. Correct plan title.
14. Denote recordation of PLAN 2011-8F: Denton Farm, Inc., Unit 4-A prior to recording this plan.
15. Clarify note #14 as HOA area.
16. Delete note #15.
17. Discuss the width of the proposed pedestrian access between lots 27 & 28 to increase from 21' to 30'.

Staff Presentation – Ms. Gallt directed the Commission's attention to a rendering of the amended Final Record Plat for Denton Farm, Inc., Unit 1-G, Block J, Lots 31 & 32 and Block L, Lots 1 & 27 through 30, which is located on the Weston Park. She noted that the purpose of this amendment is to create two new lots and add new easements.

Ms. Gallt oriented the Commission to the surrounding street system, and said that the subject property is located off of Richmond Road within the Ellerslie at Delong neighborhood. She indicated that the original submittal had six lots on the development plan and this proposal will add two new lots, as well as additional easements.

Ms. Gallt said that the Subdivision Committee had recommended approval of this request, subject to the 17 conditions listed on today's agenda. She briefly explained the list of conditions on the agenda, and noted that condition #17 refers to the width of the previously approved pedestrian access between lots 27 and 28. She said that in the past, a pedestrian access width had been recommended to be a minimum of 30 feet in width when leading between residences into homeowner's association area/greenway area. However, with the original submittal, the width of the pedestrian access was proposed to be reduced in width from the approved 24 feet. She then said that with the addition of the two lots, the applicant is now requesting a decrease in the width to 21 feet.

In conclusion, Ms. Gallt said that the staff is comfortable with the width of the pedestrian access being reduced to 21 feet, since it is leading into a private neighborhood/greenway area.

Planning Commission Questions – Mr. Owens said that he understands that the width is decreasing due to the additional lots being requested, and asked for the lot frontage dimensions of lots 27 and 28. Ms. Gallt said that their average width is 75 feet.

Ms. Roche-Phillips asked what about the Ordinance requirements for the pedestrian access. Ms. Gallt said that at this time, there is no such standard in the Zoning Ordinance. Ms. Roche-Phillips then asked if the homeowners' association area will be fenced in, if improvements will be made or if other amenities will be provided. Ms. Gallt referred the question to the applicant.

Representation – John Barlow, Delong Estates, stated that he was in agreement with the staff's recommendations, and requested approval of PLAN 2011-7F.

Planning Commission Questions – Ms. Roche-Phillips asked what type of improvements will be done to the area of the proposed greenspace. Mr. Barlow said that the improvements made to the greenspace will be the view shed, noting that there will not be fencing, playground or sports areas. Ms. Roche-Phillips then asked the acreage of the greenspace area. Ms. Gallt said that the greenspace area is approximately 2.63 acres. Ms. Roche-Phillips asked if this area will remain as a homeowners' association. Mr. Barlow replied affirmatively, and noted that there are 77 acres of open space on the Denton Farm development.

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Ms. Copeland asked about the characteristics of the topography within the greenspace area. Mr. Barlow said that the topography does have a downward slope. Ms. Copeland asked if any type of sports could be enjoyed in this area. Mr. Barlow indicated no, due to the severity of the downward slope. Ms. Copeland confirmed that the greenspace area is not intended for such activities. Mr. Barlow replied affirmatively, and said that the homeowners' association prefers it to be more of a pasture. Ms. Copeland asked if the HOA will maintain the greenspace. Mr. Barlow replied affirmatively.

Mr. Owens said that the pedestrian access is noted as "proposed" and asked if sidewalks will be constructed in this area. Mr. Barlow said that there is an advisory board that is responsible for the greenspace; and at this time, they are not agreeable to sidewalks due to the negative impact it will have on the water quality in the area. Mr. Owens asked if this land will be used for other uses. Mr. Barlow repeated that, due to the slope of the topography, this area can not be used for any athletic functions.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Paulsen, and carried 9-0 (Blanton and Holmes absent) to approve PLAN 2011-7F, subject to the conditions listed on the agenda, changing condition #17 to read: "The width of the proposed pedestrian access between lots 27 & 28 is to be 21 feet."

Note: Referring to PLAN 2005-330F, Mr. Martin said that the applicant's representation was not present and suggested that its discussion be delayed. The staff could then proceed to present DP 2011-4 to the Commission. The Chair confirmed that the staff was requesting that PLAN 2005-330F be deferred, to which Mr. King replied affirmatively.

- b. PLAN 2005-330F: SOUTH HILL GARDENS (5/3/11)* - located at 412 South Mill Street and 421-437 Lawrence Street. (Council District 3) **(Wheat & Ladenburger)**

Note: The Planning Commission originally approved this plan on December 5, 2005, re-approved it on July 9, 2009, and Section 1 of this plat was recorded on 4/3/10.

The Commission granted an extension of approval (for Section 2 of this plat) on July 8, 2010, subject to the following (original) conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses as per e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Denote: There shall be no building permits issued until Final Development Plan has been approved.
8. Demonstrate compliance of existing buildings with lot requirements.
9. Increase font size on entire plan.
10. Document the minimum lot size and the square footage requirements.
11. Addition of adjoining property information and zoning.
12. Resolve landscape and buffer area for zone-to-zone screening.
13. The Planning Commission must approve a Final Development Plan prior to recordation of this plat.
14. Revise lot layout and add easements as appropriate, such that the proposed Home Owners Association open space is an accessory rather than principal permitted use.

The Staff Recommended: **Approval of the requested waiver**, for the following reasons:

1. The requested waiver would relieve an exceptional hardship for the applicant, due to potential for damage to curb and gutter improvements during the construction of the new single family dwelling unit.
2. The requested waiver does meet the requirements of Article 1-5(c) by facilitating an infill and redevelopment project.
3. Granting the waiver will not negatively impact public health and safety, as construction of the public infrastructure will be completed in a timely manner and prior to the occupancy and use of the buildings, which is in accordance with the intent of the Subdivision Regulations.

This recommendation is made subject to the following additional requirement:

- a. Denote: No occupancy permit shall be issued until the Division of Engineering has verified that the public improvements have been constructed in compliance with the Engineering Manuals.
- b. Revise lotting to match approved Zoning Development Plan.

Waiver Presentation – Mr. Martin directed the Commission's attention to a rendering of the Final Record Plat for South Hill Gardens, which is located at 421-437 Lawrence Street and 408 and 426 South Mill Street. He oriented the

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Commission to the surrounding street system, and said that the subject property is located mid-block between West Maxwell Street and Pine Street.

Mr. Martin said that this Final Record Plat is associated with the Zoning Development Plan (ZDP 2011-2) that was previously approved at the January 24th Planning Commission meeting. He then said that the Commission had recommended approval of the rezoning of this property (MARV 2011-2), and now the applicant is requesting a waiver regarding the public improvements required along Lawrence Street. These improvements include the curb and gutter, as well as the sidewalks, which are bondable. He said that the applicant will be coordinating the design and construction of the required public infrastructure with the construction of the single family home.

In conclusion, Mr. Martin said that the staff is recommending approval of the requested waiver, for the following reasons:

1. The requested waiver would relieve an exceptional hardship for the applicant, due to the potential for damage to curb and gutter improvements during the construction of the new single family dwelling unit.
2. The requested waiver does meet the requirements of Article 1-5(c) by facilitating an infill and redevelopment project.
3. Granting the waiver will not negatively impact public health and safety, as construction of the public infrastructure will be completed in a timely manner and prior to the occupancy and use of the buildings, which is in accordance with the intent of the Subdivision Regulations.

This recommendation is made subject to the following additional requirements:

- a. Denote: No occupancy permit shall be issued until the Division of Engineering has verified that the public improvements have been constructed in compliance with the Engineering Manuals.
- b. Revise lotting to match approved Zoning Development Plan.

Planning Commission Questions – Ms. Copeland asked if the curb and gutter improvements extend from West Maxwell Street to Pine Street. Mr. Martin said that the waiver would allow the bonding of approximately 211 linear feet of the curb and gutter that is required for the public improvements between those two streets.

Ms. Roche-Phillips asked if the Ordinance could be amended to reflect this type of waiver request. Mr. Martin said that the Ordinance could be amended, but it is preferred that these types of request be reviewed by the Commission.

Petitioner's Representation – Ms. Rena Wiseman, attorney, was present representing the applicant. She stated that they are in agreement with the staff's recommendation and requested approval of the requested waiver for PLAN 2005-330F. She noted that this waiver would allow the construction of the required public infrastructure to coincide with the construction of the single family home. This request is due to the potential damage that will otherwise occur to curb and gutter improvements during the construction of the new single family units.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Paulsen, and carried 9-0 (Blanton and Holmes absent) to grant the requested waiver, as noted by staff

2. DEVELOPMENT PLANS

- a. DP 2011-4: KIRKLEVINGTON NORTH (AMD) (4/3/11)* - located at 3391 Tates Creek Road.
(Council District 4) **(LS Design Group)**

Note: The purpose of this amendment is to revise the site layout and add a drive-through lane.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Denote current FEMA map information and floodplain area on plan.
9. Denote source of contour information.
10. Denote location of trees to be planted per canopy requirement.
11. Denote construction entrance location, and revise note #12.
12. Denote Final Record Plat designation.
13. Denote building height.
14. Resolve approval of off-site improvements associated with drive-through, or remove from plan.
15. Denote reciprocal parking and access.

* - Denotes date by which Commission must either approve or disapprove plan.

16. Denote that a special use permit (from Division of Engineering) will be required for site work in floodplain areas.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the amended development plan for Kirklevington North, which is located at 3391 Bates Creek Road, just south of the Lansdowne Shoppes.

Mr. Martin oriented the Commission to the surrounding street system, and said that the subject property is located near the intersection of Malabu Drive and Bates Creek Road. He indicated the location of the service road leading into the Lansdowne Shopping Center from Malabu Drive, which is directly behind the Speedway gas station. He then said that the purpose of this amendment is to revise the site layout and add a drive-through lane for the existing Arby's restaurant.

Mr. Martin said that the Subdivision Committee reviewed this request at their February 3rd meeting and recommended approval of this plan, subject to the conditions listed on today's meeting agenda. He then said that the applicant had submitted a revised plan since the Subdivision Committee, which addressed a number of these items. Based upon the new plan submission, the staff is recommending approval of this plan, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
- ~~8. Denote current FEMA map information and floodplain area on plan.~~
- ~~9. Denote source of contour information.~~
- ~~8. 10. Denote location of trees to be planted per canopy requirement.~~
- ~~11. Denote construction entrance location, and revise note #12.~~
- ~~9. 12. Denote Final Record Plat designation.~~
- ~~13. Denote building height.~~
- ~~14. Resolve approval of off site improvements associated with drive through, or remove from plan.~~
- ~~10. 15. Denote reciprocal parking and access.~~
- ~~16. Denote that a special use permit (from Division of Engineering) will be required for site work in floodplain areas.~~

Mr. Martin referred the Commission to review condition #10, and said that the applicant will need to denote the reciprocal parking and access for this site. He said that the shared access is located between the Speedway and the Arby's lots, and will be utilized by both of these uses. As for the reciprocal parking to be provided, there are five existing parking spaces next to the Arby's building that will be utilized by Lansdowne Shopping Center. Mr. Martin said that since the required parking for Arby's will be met by their parking lot, the staff suggests changing condition #10 to read: "Denote reciprocal parking and access."

Planning Commission Questions – Mr. Owens asked if the reciprocal access is related to the area between the Speedway and Arby's lot, or rather, the Arby's and The Fresh Market lot. Mr. Martin said that the reciprocal access will function for all areas surrounding the Arby's lot. Mr. Owens then asked if the reciprocal access will include the stacking of the vehicles through the drive-through, as well as off site. Mr. Martin replied affirmatively.

Ms. Copeland confirmed that 5 parking spaces will be used by Lansdowne Shopping Center and the stacking for the drive-through will be provided off site on the adjacent Lansdowne Shopping Center lot. Mr. Martin replied affirmatively. Ms. Copeland asked if condition #10 could denote the reciprocal parking since the parking is being provided off site. Mr. Martin said that the Lansdowne Shopping Center is allowing the access to be on their site, but Arby's parking requirements can not be imposed upon them. Ms. Copeland then asked if the reciprocal parking should be kept on the list of recommendations. Mr. Martin said that the staff is comfortable with the revised language as presented.

Petitioner's Representation – Richard Murphy, attorney, was present representing the applicant. He submitted a letter from J.W. Davis, Jr., President of the Lansdowne Shopping Center, Inc., to the staff. He stated that his client is in agreement with the staff's revised recommendations, and he requested approval of DP 2011-4. He noted that the property owners in this area are cooperating with each other, and are in agreement with the changes being made to the Arby's development plan. He said that the revised layout will help alleviate traffic concerns in the area by removing it from the service road at the rear of the lot.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Mr. Cravens, and carried 9-0 (Blanton and Holmes absent) to approve DP 2011-4, subject to the revised conditions presented by the staff, changing condition #10 to read: "Denote reciprocal access."

* - Denotes date by which Commission must either approve or disapprove plan.

Note: Mr. Martin noted that Ms. Wiseman, who was representing PLAN 2005-330F, had arrived at the meeting. He said that if the Commission wished, the staff could present the remaining Final Subdivision Plan to the Commission. The Chair replied affirmatively.

- b. DP 2011-5: SOUTH BROADWAY UNIVERSITY DEVELOPMENT (AMD) (4/3/11)* - located at 350 & 358 Foreman Avenue. (Council District 3) **(Midwest Engineering)**

Note: The purpose of this amendment is to revise parking for the B-1 lot and add a drive-through lane.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Denote 2' contours on plan (from previous plan).
9. Denote Board of Adjustment's approval of parking variance (V-2011-9).
10. Add satellite parking information (B-4 area) from previous plan.
11. Discuss proposed drive-through lane and required parking.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the overall development plan, noting that this development is now known as Newtown Crossing. This is a large apartment complex, primarily housing for the University of Kentucky students. He oriented the Commission to the surrounding street system, and said that the apartment complex is bordered by South Broadway and is adjacent to the Northfolk-Southern Railroad. He indicated that Foreman Avenue leads into the apartment complex from South Broadway and has been "closed" as a public street; however, it continues serving the apartment complex only.

Mr. Martin then directed the Commission's attention to a rendering of the main portion of this amended development plan. He said that the purpose of this amendment is to revise the parking for the B-1 lot and to add a drive-through lane that will be used by what is proposed to be a Gold Star Chili restaurant, near the front of this overall development.

Mr. Martin said that since the Subdivision Committee meeting, the staff had met with the applicant concerning the potential impact of the drive-through on the former right-of-way (Foreman Avenue), as well as the proposed reduction in the off-street parking spaces on the site. Referring to condition #9, he said that the applicant had submitted a request to the Board of Adjustment for a parking variance; but since Subdivision Committee meeting, the apartment complex has agreed to lease 8 parking spaces to the Gold Star Chili restaurant. He then said that with parking spaces being provided on site, together with parking spaces being leased from the apartment complex, the minimum parking requirements for the new restaurant are now being met. He noted that the staff did request that the satellite parking information (nearer the UK campus) from the previous plan be placed back on this development plan (condition #10).

In conclusion, Mr. Martin said that the Subdivision Committee had recommended approval of this plan, subject to the conditions listed on the agenda. He then said that the applicant had withdrawn their variance application from the Board of Adjustment; therefore, condition #9 could be deleted. He noted that condition #11 had been addressed with the staff's presentation and could be removed as well. He said that the applicant had spoken with the Division of Traffic Engineering, and it was agreed that the operating hours for the restaurant would be limited. The Division of Traffic Engineering noted that this restriction could be arranged through their approval (condition #2).

Planning Commission Questions – The Chair asked if the conditions for approval would be changed or removed. Mr. Martin said that the staff believed conditions #9 and #11 could be deleted.

Representation – Tom Lambdin, Midwest Engineering, stated that he was in agreement with the staff's recommendations, and requested approval of DP 2011-5. He said that he appreciated the staff's help and that from the Divisions of Traffic Engineering in resolving the original concerns with this plan.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Mr. Wilson, and carried 9-0 (Blanton and Holmes absent) to approve DP 2011-5, subject to the conditions listed on the agenda, deleting conditions #9 and #11.

- c. DP 2011-6: LOVELL & HART REALTY COMPANY (AMD) (4/3/11)* - at 1399 East New Circle Road. (Council District 7) **(Vision Engineering)**

Note: The purpose of this amendment is to add buildable area.

* - Denotes date by which Commission must either approve or disapprove plan.

The Subdivision Committee Recommended: **Postponement**. The development plan lacks the necessary information needed to move forward.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Denote height of proposed building.
9. Denote stormwater detention areas or off-site location.
10. Clarify the extent of paving and gravel.
11. Document easement encroachments prior to certification.
12. Clarify the use of the concrete pad and/or building at the southern end of property.

Staff Presentation – Mr. Taylor directed the Commission's attention to a rendering of the amended development plan for Lovell & Hart Realty Company, located at 1399 East New Circle Road. He oriented the Commission to the surrounding street system, and said that Palumbo Drive is to the south; RJ Corman Railroad is to the northeast; and the intersection of East New Circle Road and Young Drive is to the west, directly in front of the subject site. The access to the subject property is on East New Circle Road, and is a right-in and right-out only. He noted that the purpose of this amendment is to add a 3,150 sq. ft. building.

Mr. Taylor said that the Subdivision Committee reviewed this request at their February 3rd meeting and recommended postponement, due to the development plan lacking the necessary information needed to move forward. Part of the Committee's concern was the lack of stormwater detention facilities on site and the timing of the building construction, as well as the building permits not being properly obtained. He said that the staff is requesting for detention to be addressed on the plan (condition #9).

Mr. Taylor said that the Divisions of Engineering and Building Inspection had concerns with the existing septic system, and both divisions agreed that a 13th condition should be added to the list of recommendations, which will require the following note to be added to the development plan:

13. Denote: Board of Health's approval of septic system or documentation of sanitary sewer service must be provided prior to issuance of a building permit.

In conclusion, Mr. Taylor said that the staff is recommending approval of this request, subject to the conditions listed on today's agenda, to include the 13th condition as previously stated.

Planning Commission Questions – Mr. Owens asked if the building in the corner of the lot was permitted prior to its construction. Mr. Taylor said that based on the discussion at the Subdivision Committee meeting, that building did not have a permit prior to the construction starting. Mr. Owens then asked if a stop work order was issued by Building Inspection. Mr. Taylor replied affirmatively. Mr. Owens asked if the other buildings shown on the rendering are proposed or existing. Mr. Taylor said that the remaining buildings within this development are existing.

Mr. Brewer asked why the construction was started before obtaining the proper permits. Mr. Taylor said that the staff was not aware of any issues with this plan until the day of the Subdivision Committee meeting.

Ms. Roche-Phillips asked if this development is on the city's sewer system. Mr. Taylor replied negatively, and said that this development uses an existing septic system. Ms. Roche-Phillips asked if this building is proposed for storage and if there will be a need for plumbing. Mr. Taylor said that this building will be used as a warehouse and storage unit. The standard protocol for septic systems is to have the site inspected and approved by the Board of Health (condition #13). Ms. Roche-Phillips asked if the property owner is the Young Storage Company. Mr. Taylor replied no. Ms. Roche-Phillips then asked if this property will be used by a moving company, to which Mr. Taylor said no. Ms. Roche-Phillips confirmed that this will be a warehouse. Mr. Taylor replied affirmatively.

Mr. Owens asked for further clarification on the stormwater detention. Mr. Taylor said that the development plan does not indicate the location of the stormwater detention basin; however, Article 21 of the Zoning Ordinance requires that location to be shown. This specific requirement is handed through the Division of Engineering's signoff (condition #2). The stormwater detention would need to be shown on the development plan, or a note added addressing its location prior to certification.

Representation – Matt Carter, Vision Engineering, was present representing the applicant. He noted that the following conditions are the standard signoffs:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.

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4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.

Mr. Carter gave a brief explanation of the remaining conditions and said that, in speaking with his client, the height of proposed building will be 25 feet (condition # 8). He said that they are not increasing the impermeable areas on site; therefore, they believe additional stormwater detention is not needed. However, they will be working with the Division of Engineering to resolve this matter (condition # 9).

Mr. Carter said that the area to the south of the entrance is currently graveled, and his client does not intend to change this. He then said that there has been a request from Building Inspection to provide a 6' landscape fence, as well as additional screening, with which his client is in agreement (condition #10).

Mr. Carter noted that condition #11 relates to the documentation of the easement encroachments prior to certification. He said that they have been unsuccessful in contacting the transmission branch of Kentucky Utilities to resolve the easement encroachments. He noted that the buildings that are already built do encroach into the easement, but the proposed building will not.

Mr. Carter said that an office building was removed at the southern end of property and there are no plans to replace that building. He said that the concrete pad that remains will be used as additional storage area, and it will be included as part of the graveled area. He noted that there will be landscaping added for screening.

Mr. Carter stated that they are in agreement with the staff's recommendations, and requested approval of DP 2011-6.

Planning Commission Questions – Ms. Roche-Phillips asked where the easements are located on the development plan. Mr. Carter said that there is an 80' transmission easement that is in the middle of the site. Ms. Roche-Phillips confirmed that the existing buildings do not encroach into the easement. Mr. Carter said that the proposed building does not encroach into the easement, but the existing buildings do.

Mr. Brewer asked for an explanation as to why the building permit was not obtained. Mr. Carter said that his client was not aware of the process before starting the framing of the building. He then said that when Building Inspection had issued a stop work order on the project, his client had retained him (Mr. Carter) to resolve this matter. He noted that when researching the area, the last development plan that was approved was in 1967. He said that in order to move forward with the construction, the development plan had to be amended to show what is existing and what is proposed.

Mr. Owens said that during a site visit, it appeared that the building was already under roof. Mr. Carter said that he had not visited the site lately, but as far as he knows the building is only framed. Mr. Owens then asked the dimensions for the proposed building. Mr. Carter said that the building dimensions will be 80 x 40 or 3,200 square feet. Mr. Owens said that a new building will create more runoff. Mr. Carter said that his client is requesting to replace the building that was previously removed, so there will be no additional runoff. Mr. Owens said that the surface runoff drains toward New Circle Road, and asked if there should be additional measures taken for stormwater detention. Mr. Carter said that typically if there is an existing stormwater facility, and the amount of runoff is not increased, additional measures are not required. In response to Mr. Owens question, Mr. Newman (Urban County Engineer) said that if the impermeable surface is not increasing, additional measures are not required by the Stormwater Manual. He then said that he was unaware of any stormwater issues specific to this property, but there is an existing large stormwater system that crosses New Circle Road in that location. He added that it would be up to Mr. Carter to document the on-site conditions with regards to impervious area as part of his submittal. Mr. Owens asked if there are any stormwater studies prepared in association with any development plan. Mr. Newman said that stormwater studies or drainage reports are done in conjunction with a development plans. He said that that type of documentation is typically done with construction plans and it could certainly be requested as part of the development plan submission prior to certification.

Ms. Copeland asked if there would be a conflict between ground saturation and the septic tank system. Mr. Carter said that the septic system is located within the State right-of-way on New Circle Road.

Fire Department Comment - Captain Charles Bowen, Division of Fire & Emergency Services, was present. He said that if the access into the site is graveled and not paved, it will pose a problem for emergency vehicle ingress and egress. Mr. Carter said that the area south of the entrance will be gravel, but the remaining sections north of the entrance are already paved.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Discussion – Mr. Owens said that he is concerned with the stormwater problems in this area, and believes additional measures should be taken for improvement. He asked if a stormwater study could be

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required and submitted to the Division of Engineering for their signoff. Mr. Newman asked if the Commission wants the impervious areas to be documented on the plan. Mr. Owens replied affirmatively, and asked if a study could be required without holding up the development. Mr. Martin said that the time frame would depend on the applicant and when they could submit the information to the staff. Mr. Carter asked if a note could be added to the development plan to denote that stormwater will be approved by the Division of Engineering, noting that they are already listed as a signoff. Mr. Owens agreed, but said that that is the minimum of what could be done. He said that he is concerned with adding more runoff to New Circle Road; but if that information could be documented to the approval of Engineering, that would be sufficient. Mr. Carter said that they could provide that information.

Ms. Copeland asked if the slope of the area could be changed to allow the water to sheet flow. Mr. Carter said that all of what is shown on the site is existing condition; and if the grade were to be changed, it would cause more problems.

Mr. Cravens asked if the downspouts on the buildings could be directed to allow the water to flow in other directions. Mr. Carter said that the downspouts on his client's building could be directed to flow away from the perimeter, but they cannot change the direction of the downspouts on the other (existing) buildings.

Action - A motion was made by Mr. Owens, seconded by Ms. Roche-Phillips, and carried 9-0 (Blanton and Holmes absent) to approve DP 2011-6, subject to the conditions listed on the agenda, adding condition #13, as stated by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens, and carried 9-0 (Blanton and Holmes absent) to approve the release and call of bonds as detailed in the memorandum dated February 10, 2011, from Ron St. Clair, Division of Engineering.

- VI. COMMISSION ITEMS** - The Chair will announce that any item a Commission member would like to present will be heard at this time.

- A. CLOSED SESSION** – The Department of Law has requested that the Commission convene in closed session to discuss a matter of pending litigation.

Motion: A motion was made by Mr. Wilson, seconded by Mr. Cravens, and carried 9-0 (Blanton and Holmes absent) for the Planning Commission to go into closed session at 2:44 PM, pursuant to KRS 61.810, Section 1-C, to discuss a matter of pending litigation.

Note: Mr. Paulsen departed at this time.

Motion: A motion was made by Ms. Beatty, seconded by Mr. Owens, and carried 8-0 (Paulsen, Blanton and Holmes absent) to return to an open session at 3:04 PM.

Motion: A motion was made by Mr. Wilson, seconded by Mr. Owens, and carried 8-0 (Paulsen, Blanton and Holmes absent) for the Planning Commission authorize the Department of Law to pursue legal action [pursuant to KRS 100.337 for an injunction relating to an ongoing violation of the Zoning Ordinance, in accordance with a request from the Division of Building Inspection.]

- VII. STAFF ITEMS** – The Chair will announce that any item a Staff member would like to present will be heard at this time.

- A. UPCOMING WORK SESSION** – Mr. King reminded the Commission members of the upcoming work session scheduled for February 17, 2011.

- VII. AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

VIII. NEXT MEETING DATES -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 17, 2011
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 23, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 24, 2011
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	March 3, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	March 3, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	March 10, 2011

* - Denotes date by which Commission must either approve or disapprove plan.

IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 3:05 PM.

Carolyn Richardson, Chair

Mike Owens, Secretary